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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,050	08/04/2000	Bjorn Espenes	4279 P	2988

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EXAMINER
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GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/633,050

Applicant(s)

ESPENES ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/24/2005 has been entered.

### **Prosecution History**

Claims 1-16 are pending in the current application. Claims 17-25 were canceled via Paper No. 11. Claim 1 was amended via the applicant's response filed June 11, 2004.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos U.S. Patent No. 6,029,141, in view of Aggarwal U.S. Patent No. 6,714,975.**

Referring to claim 1. Bezos discloses a method for enhancing the process of e-commerce, with the assistance of computer hardware and computer software establishing an Internet marketplace, comprising the steps of:

- Receiving product information into a product information database of a computer system (Bezoes: Abstract, "Following registration, the associate sets up a Web site to distribute hypertextual catalog documents that includes marketing information about selected products of the merchant.");
- Mapping said product information into product categories, in a product category database in said computer system (Bezoes: claim 23 to claim 25);
- Assigning said product information into a template, said template having an appearance and one or more features (Bezoes: Fig. 6 and column 11, lines 43-62);

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- Populating said template with said product information (Bezos: Fig. 6 and column 11, lines 43-62);
- Tracking activity on said broadcasted templates, and recording said tracked activity in an activity database in said computer system (Bezos: column 13, lines 10-28);
- Communicating said activity to a client (Bezos: column 16, lines 11-19);
- Refining an on-line marketplace selection criteria, wherein said refining further comprises analyzing product placement activity, sales transactions and e-commerce marketplace filters of one or more of said selected on-line marketplaces; (Bezos: column 3, lines 26-41); and
- Optimizing an e-commerce channel mix and product offerings by placing said product template in an appropriate time and on one or more of said selected on-line marketplaces based on said product placement activity and said sales transactions (Bezos: column 3, lines 26-41).

Bezos does not expressly disclose a method for enhancing the process of e-commerce, with the assistance of computer hardware and computer software establishing an Internet marketplace, comprising the steps of:

- Selecting a group of on-line marketplaces, dynamically adjusting said template appearance and features based on said selected group of on-line marketplaces;
- Broadcasting said populated template to said group of on-line marketplaces; and

- Dynamically generating a custom product page based on said populated template and an identified on-line marketplace from said selected group of on-line marketplaces for each individual product from said product information database to be marketed on one or more of said on-line marketplaces.

Aggarwal discloses a method for enhancing the process of e-commerce, with the assistance of computer hardware and computer software establishing an Internet marketplace, comprising the steps of:

- Selecting a group of on-line marketplaces, dynamically adjusting said template appearance and features based on said selected group of on-line marketplaces (Aggarwal: column 2, lines 12-38);
- Broadcasting said populated template to said group of on-line marketplaces (Aggarwal: column 2, lines 12-388);
- Dynamically generating a custom product page based on said populated template and an identified on-line marketplace from said selected group of on-line marketplaces for each individual product from said product information database to be marketed on one or more of said on-line marketplaces (Aggarwal: column 2, lines 12-38);

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Bezos to have included the teachings of Aggarwal as discussed above because for site administrators who maintain

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a large number of pages, it has become almost necessary to use some process of optimizing placement of the advertisements and scheduling of the web pages (Aggarwal: column 1, lines 42-48).

Referring to claim 2. Bezos further discloses a method comprising receiving and storing client information (Bezos: Fig. 1 and Fig. 2).

Referring to claim 3. Bezos further discloses a method comprising sending e-mail communication to consumers (Bezos: column 1, lines 50-61).

Referring to claim 4. Bezos further discloses a process comprising sending report information to clients (Bezos: column 1, lines 50-61).

Referring to claim 5. Bezos further discloses a method wherein said receiving product information further comprises receiving description, price and quantity information (Bezos: Fig. 8).

Referring to claim 7. Bezos in view of Aggarwal discloses a method according to claim 1 as indicated supra. Aggarwal further discloses a method wherein said assigning product information into a template further comprises dynamically modifying the content of said template based on the selected e-commerce marketplace site (Aggarwal: column 2, lines 12-38).

Referring to claim 6. Bezos in view of Aggarwal discloses a method according to claim 1 as indicated supra. Aggarwal further discloses a method wherein said mapping product information provides a mapping between client products and multiple e-commerce marketplace sites (Aggarwal: Fig. 1).

Referring to claim 8. Bezos in view of Aggarwal discloses a method according to claim 1 as indicated supra. Aggarwal further discloses a method wherein said broadcasting further comprises sending a client product populated template to an on-line marketplace based on the results of prior e-commerce activity (Aggarwal: column 2, lines 12-38).

Referring to claim 9. Bezos further discloses a method wherein said tracking activity further comprises collecting data on number of Web site hits, click-throughs, orders and e-mail communications (at least column 13, lines 10-28).

Referring to claim 10. Bezos further discloses a method wherein said communicating activity to a client further comprises analyzing said tracked activity, producing a report and sending said report to a client (at least Fig. 1, "Report Generation SW").

Referring to claim 11. Bezos further discloses a method wherein said refining an on-line marketplace selection criteria, further comprises analyzing said tracked activity, comparing said tracked activity with a clients objectives and modifying a marketplace filter function (at least APPENDIX B).

Referring to claim 12. Bezos further discloses a method comprising collecting sales information from e-commerce buyers (at least column 13, lines 10-28).

Referring to claim 13. Bezos further discloses a method wherein said collecting sales information from e-commerce buyers further comprises collecting credit card, product, price, address and quantity information (at least Fig. 1).



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Referring to claim 14. Bezos further discloses a method comprising sending e-mail to customers (at least column 1, lines 50-61).

Referring to claim 16. Bezos further discloses a method wherein said product information further comprises information selected from the group consisting of information concerning goods, information concerning services, information concerning financial information, and information concerning information sources (at least column 8, lines 49-58).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos U.S. Patent No. 6,029,141, in view of Aggarwal U.S. Patent No. 6,714,975 in further view of Official Notice.**

Referring to claim 15. Bezos in view of Aggarwal discloses a method according to claim 1 as indicated supra. Bezos in view of Aggarwal does not expressly disclose a method wherein said mapping product information provides a mapping between client products and multiple e-commerce marketplace sites. Bezos does disclose a method wherein an individual or business entity can register as an associate, and can then set up a Web site to market customized subsets of their product in a particular area of

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expertise (at least column 3, lines 8-25). Examiner takes Office Notice that these particular areas of expertise are functionally equivalent to multiple e-commerce marketplace sites. For example, it would have been obvious to have provided Bezos to have substituted particular areas of expertise with multiple e-commerce marketplace sites in order to efficiently market and sell goods in cooperation with Web sites or other network sites of respective business partners (at least column 1, lines 50-60).

Moreover, to have modified the method of Bezos to have included the multiple e-commerce marketplace site would have been obvious to the skilled artisan because the inclusion of such step would have been an obvious matter of design choice in light of the method already disclosed by Bezos. Such modification would not have otherwise affected the method Bezos and would have merely represented one of numerous steps that the skilled artisan would have found obvious for the purposes already disclosed by Bezos. Additionally, applicant has not persuasively demonstrated the criticality of providing this step versus the steps disclosed by Bezos.

### ***Response to Arguments***

Applicant's arguments filed on 1/24/2005 have been fully considered but they are moot in view of the new grounds for rejection.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



MSG  
Patent Examiner  
March 28, 2005